

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BIG DAISHOWA SEIKI CO. LTD. and	)	
BIG KAISER PRECISION TOOLING, INC.,	)	No.: 09 CV 484
	)	
Plaintiffs,	)	Filed: January 26, 2009
vs.	)	
	)	Judge Robert Dow
FLEETWOOD INDUSTRIAL SUPPLY	)	
CORPORATION and TECHNIKS, INC.,	)	
	)	
Defendants.	)	

**REVISED JOINT STATUS REPORT**

In accordance with the Court's Minute Order entered on March 4, 2009 and the Standing Order Requiring Initial Status Report, the parties submit this Joint Status Report.

A. The attorneys of record for each party are as follows.

For Plaintiffs, BIG Daishowa Seiki Co. Ltd. and BIG Kaiser Precision Tooling, Inc.:

Todd S. Parkhurst, Esq.  
J. Eric Vander Arend, Esq.  
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& DYM LTD.  
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William M. Hannay, Esq.  
Schiff Hardin LLP  
6600 Sears Tower  
Chicago, IL 60606  
Phone: (312) 258-5617

Mr. Parkhurst and Mr. Hannay will try the case for the Plaintiffs.

For Defendant Techniks, Inc.:

Bradford P. Lyerla, Esq.  
Julianne M. Hartzell, Esq.  
Marshall, Gerstein & Borun LLP  
233 South Wacker Drive  
6300 Sears Tower  
Chicago, IL 60606-6357  
Phone: (312) 474-6300

Michael Cook, Esq. (Pro Hac Vice)  
Wooden & McLaughlin, LLP  
One Indiana Square  
Suite 1800  
Indianapolis, IN 46204  
Phone: (317) 639-6151

Mr. Lyerla, Ms. Hartzell, and Mr. Cook will try the case for Defendant Techniks, Inc.

For Defendant Fleetwood Industrial Supply Corporation:

James K. Borcia, Esq.  
Tressler, Soderstrom, Maloney  
& Priess, LLP  
233 S. Wacker Drive  
2200 Sears Tower  
Chicago, IL 60606  
Phone: (312) 627-4000

Mr. Borcia will try the case for Defendant Fleetwood Industrial Supply Corporation.

B. **The principal basis for Federal Jurisdiction** is 28 U.S.C. §1338.

C. **The nature of the claims asserted in the Complaint** are: patent infringement, trademark infringement, unfair competition, and failure to mark imported products with the country of origin of those products.

**No counterclaims have yet been filed in the case.** Defendants' Responses to the Complaint will be filed after this Joint Status Report is filed with the Court.

D. **All parties have been served.**

E. **The principal legal issues in the case** will involve patent infringement, trademark infringement, unfair competition by false advertising, and failure to properly mark imported products with the country of origin. Other issues may emerge from Defendants' Responses to the Complaint.

F. **The principal factual issues in the case** will involve determination of dimensions, tolerances, and fitment of devices known as tool holders in machine tools; assessment of the language used by Defendants in various catalogues and advertising materials regarding the characteristics and compatibility of Defendants' products with Plaintiffs' products; and the marking of Defendants' products with the country of origin. Other issues may emerge from Defendants' Responses to the Complaint.

G. **A jury trial has been demanded by Plaintiffs.**

H. **No discovery has yet been taken.**

(1) Defendants' Responses to the Complaint are now due on Monday, March 23, 2009.

(2) Initial disclosures under Rule 26(a)(1) will be served on April 14, 2009.

(3) A further meeting of counsel will be held on April 21, 2009, to set a discovery schedule to submit to the court.

(4) The parties request that the court set a further status date on April 27 or 28, 2009. (Plaintiffs' counsel is unavailable on April 29-30, 2009.)

I. **It is not now possible to ascertain, at this early stage of the case, the earliest date the case would be ready for trial, or to estimate the length of the trial.**

J.     **The parties do not unanimously consent to proceed before a Magistrate Judge.**

K.     **The possibility of settlement was discussed** between counsel for the parties at a meeting between all counsel held on Wednesday, March 18, 2009. Settlement of the case is not possible at this time.

L.     **The parties do not now request a Settlement Conference.** In addition, all counsel believe that the Court's voluntary Lanham Act Mediation Program would not be productive at this time (in light of the interrelationship of the trademark, unfair competition, and patent issues) and request the court to defer such mediation.

Respectfully submitted,

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Todd S. Parkhurst, Esq.  
Attorney for Plaintiffs,  
BIG Daishowa Seiki Co. Ltd. and  
BIG Kaiser Precision Tooling, Inc.

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William M. Hannay, Esq.  
Co-Counsel for Plaintiffs,  
BIG Daishowa Seiki Co. Ltd. and  
BIG Kaiser Precision Tooling, Inc.

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*/s/ Julianne M. Hartzell*  
Bradford P. Lyerla, Esq.  
Julianne M. Hartzell, Esq.  
Michael Cook, Esq.  
Attorney for Defendant Techniks Inc.

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*/s/ James K. Borcia*  
James K. Borcia, Esq.  
Attorney for Defendant  
Fleetwood Industrial Supply Corporation

Date: March 21, 2009